

Message Text

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ACTION AID-05

INFO OCT-01 NEA-06 ISO-00 EB-07 IGA-01 L-02 /022 W

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FM AMEMBASSY DACCA

TO SECSTATE WASHDC 5248

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E.O. 11652: N/A

TAGS: EAID, EFIN, BG

SUBJ: DEBT-BILATERAL AGREEMENT

REF: DACCA 5374

1. MISSION HAS RECEIVED DRAFT BILATERAL DEBT AGREEMENT. COPIES SENT TO BDG FOR THEIR REVIEW. PRIOR TO RECEIPT THEIR COMMENTS WE RAISE TWO POINTS.

2. DATA DISCREPANCY STILL EXISTS RE AIRPORT LOAN (054). SEE REF.

3. MORE IMPORTANTLY WE NEED TO DETERMINE IF ISSUE OF WHETHER THE BDG IS THE "SUCCESSOR STATE" TO GOP IS AN ISSUE THAT NEED BE RAISED IN THIS AGREEMENT. IF IT IS NOT NECESSARY TO MENTION GOP BY NAME, APPROPRIATE ALTERNATIVE LANGUAGE CAN BE USED IN BODY OF AGREEMENT, AND IN LIST OF LOANS. EARLY COMMENTS FROM PC SUGGEST THAT ALTERNATIVE LANGUAGE WILL BE NECESSARY.

4. COMMENT. BROAD RANGE OF QUESTIONS RELATING TO RESPONSIBILITIES, OBLIGATIONS, CLAIMS, AND ASSETS IN RELATION TO PAKISTAN HAS CONSISTENTLY PROVED TO BE AN AREA WHERE BDG HAS BEEN LEAST WILLING TO REACH ANY AGREEMENT WHICH COULD BE SEEN TO LIMIT, EITHER AS A PRECEDENT OR OTHERWISE, ITS FLEXIBILITY IN DEALING WITH GOP RE BDG CLAIM FOR DIVISION OF ASSETS. THIS PROBLEM HAS CROPPED UP ONE WAY OR ANOTHER IN VIRTUALLY EVERY NEGOTIATION WE HAVE HAD SINCE INDEPENDENCE. IT IS, FOR EXAMPLE, BASIC PROBLEM DEALYING CONCLUSION OF OPIC AGREEMENT, IS A FACTOR COMPLICATING BDG AGREEMENT WITH ESSO, AND HAS BEEN A FUNDAMENTAL ISSUE IN ALL COMMERCIAL CLAIMS

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OUTSTANDING SINCE BEFORE DECEMBER 16, 1971. IT IS THEREFORE IN

NO WAY SURPRISING TO FIND THAT IT SHOULD BE FUNDAMENTAL TO
BENGALIEE PERCEPTION OF THIS DEBT AGREEMENT. WHILE WE ARE UNAWARE
OF ANY FORMAL LEGAL STATEMENT BY BDG SETTING FORTH THEIR OVERALL
ATTITUDE ON THIS MATTER, WE BELIEVE ITS PRACTICAL EFFEXCT COULD
BE STATED AS FOLLOWS: THAT, IN ADVANCE OF A RESOLUTION OF OUT-
STANDING POLITICAL, LEGAL AND ECONOMIC PROBLEMS WITH PAKISTAN (A
PROCESS WHICH COULD WELL REQUIRE MANY YEARS), THE BDG WILL SEEK
TO AVOID ANY ACKNOWLEDGEMENT OF PRE-INDEPENDENCE LIABILITIES OR
OBLIGATIONS, ARGUING THAT PAKISTAN IS THE SUCCESSORR STATE; WHILE
PRESSING ITS CLAIMS TO ALL POSSIBLE PRE-INDEPENDENCE ASSETS. IN
SUM, THE BDG, PENDING SUCH A RESOLUTION WITH PAKISTAN, SEEKS TO
HAVE IT BOTH WAYS.

5. PLEASE ADVISE ASAP BOTH ISSUES.

DECONTROL 12/25/75

BOSTER

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